

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATTHEW TRAVIS HOUSTON,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

Respondents.

Case No. 2:22-cv-01285-MMD-VCF

ORDER

This closed habeas matter is before the Court on Petitioner Matthew Travis Houston's *pro se* emergency motion to add Acting Warden Jeremy Bean as a respondent. (ECF No. 20 ("Emergency Motion").) On August 16, 2022, the Court dismissed Houston's petition for a writ of habeas corpus without prejudice and declined to issue a certificate of appealability. (ECF No. 3.) Judgment was entered and the case was closed. (ECF No. 5.) On August 31, 2022, Houston filed a notice of appeal with the Ninth Circuit Court of Appeals. (ECF No. 11.)

"The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). Federal Rule of Civil Procedure 62.1(a) provides that "[i]f a timely motion is made for relief that the court lacks authority to grant because of an appeal that has been docketed and is pending," then the district court may take one of three actions: "(1) defer considering the motion; (2) deny the motion; or (3) state either that it would grant the motion if the court of appeals remands for that purpose or that the motion raises a substantial issue." Because (1) the Court lacks jurisdiction over this case and (2)

1 Houston's request to add a respondent to a closed case is not an emergency, the Court
2 denies the Emergency Motion under Rule 62.1(a)(2).

3 It is therefore ordered that Houston's emergency motion (ECF No. 20) is denied
4 without prejudice. Houston may renew his motion if he desires, following the outcome of
5 his appeal.

6 DATED THIS 5th Day of January 2023.

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9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
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